

RUBEN GUERRERO	§	
v.	§	CIVIL ACTION NO. 9:11cv82
TY N. TURNER, ET AL.	§	

The Plaintiff Ruben Guerrero, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Guerrero complained of an incident in which he did not turn out for work because he was having “psychological issues,” and Officer Turner threatened to shoot him. He subsequently received a disciplinary case for attempted escape. After an evidentiary hearing, the lawsuit was dismissed on March 7, 2012.

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The Court has reviewed the Plaintiff's motion to alter or amend the judgment, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge dated March 26, 2012 (docket no. 22) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for rehearing, construed as a motion to alter or amend the judgment under Rule 59(e), Fed. R. Civ. P., is hereby DENIED.

So **ORDERED** and **SIGNED** this **1** day of **June, 2012**.



Ron Clark, United States District Judge